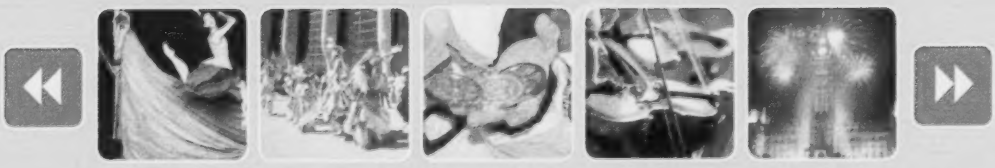
Canadian Heritage | Patrimoine canadien

Canada

Access to Information Act

Annual Report 2009-2010



The Right to Know!

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Access to Information Act

ANNUAL REPORT
(April 1, 2009 to March 31, 2010)

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Access to Information Act

ANNUAL REPORT
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1.0 Introduction

Canadian Heritage is pleased to present to Parliament its annual report on the administration of the *Access to Information Act* for fiscal year 2009 to 2010. The information contained in this report provides an overview of how the *Access to Information Act* was administered within the department during the reporting period of April 1, 2009 to March 31, 2010.

The *Access to Information Act* gives Canadian citizens, permanent residents and corporations located in Canada, a right of access to information contained in government records, subject to specific and limited exceptions. Section 72 of the *Act* requires that the head of every federal government institution submit an annual report to Parliament on the administration of the *Act* during the fiscal year.

2.0 Mandate of Canadian Heritage

The Department of Canadian Heritage was established in 1995 and is responsible for national policies and programs that promote Canadian content, foster cultural participation, active citizenship and participation in Canada's civic life, and strengthen connections among Canadians.

The *Department of Canadian Heritage Act* sets out the Minister's powers, duties and functions with respect to "Canadian identity and values, cultural development and heritage." The Department's main activities involve funding community and other third party organizations with a view to promoting the benefits of culture, identity, and sport for Canadians. More specifically, areas of responsibility include:

- developing Canadian cultural affairs and broadcasting policy; assisting cultural industries, arts and heritage organizations; encouraging the creation, production, distribution and consumption of cultural and heritage goods and services;
- fostering Canadians' sense of self and promoting civic participation among all members of Canadian society;
- promoting a greater understanding of human rights;
- encouraging and developing sport;
- advancing the equality of status and use of official languages, and supporting the development of official-language minority communities.

Canadian Heritage makes a strong contribution to the Government of Canada's social, economic, and international policy through its activities in support of dynamic cultural industries, world-class cultural institutions, and healthy communities.

The Minister of Canadian Heritage and Official Languages is responsible for the Department, and is assisted by the Minister of State for the Status of Women, and the Minister of State for Sport.

The Canadian Heritage Portfolio includes the Department, five departmental agencies, nine Crown corporations and one administrative tribunal. The Department is organized to ensure a place for Canadian voices and perspectives, to support excellence, and to reach Canadians from all walks of life.

3.0 The Access to Information and Privacy Secretariat

The Access to Information and Privacy Secretariat is responsible for administering the *Access to Information Act* within Canadian Heritage. Its mandate is to act on behalf of the Minister of Canadian Heritage in ensuring compliance with legislation, regulations, and government policy, and to create departmental directions, including standards, in all matters relating to the *Act*. This includes the processing of access requests, providing professional advice and training within the department. The powers, duties and functions of the administration of the *Access to Information Act* have been fully delegated by the Minister to the Director of the Access to Information and Privacy Secretariat. See Appendix 1.0 for the Departmental Delegation Order.

During the reporting period, the Secretariat consisted of the Director, 5 analysts, a project manager, and 2 administrative support staff. In June of 2009, a Deputy Director was hired to oversee operations. In the departmental organizational structure, the ATIP Secretariat reports to the Corporate Secretary for Canadian Heritage.

4.0 Administration of Requests under the *Access to Information Act*

4.1 Access Requests

The Access to Information and Privacy Secretariat received a total of 235 requests during the reporting period of April 1, 2009 to March 31, 2010. One hundred and fifty-five requests were carried over from the previous reporting period for a total of 390 active requests. See Appendix 2.0 for the Report on the *Access to Information Act*.

The requests for information received by Canadian Heritage cover a wide range of topics. However, as in previous years, certain subjects tend to predominate. For fiscal year 2009-2010 by far the most frequently requested information related to the Vancouver 2010 Olympic and Paralympic Winter Games. Information pertaining to costs of the 2010 Winter Games was most often requested. Also, records were requested on decisions regarding the torch relay, ticketing, and the Canada Pavilion.

Requests were also made for information related to the grants and contributions process, including the criteria for determining funding and evaluations of requests for funding.

As is common across most government departments, Canadian Heritage received a number of routine requests for call ups for temporary help services, contract proposals evaluations and deliverables, lists of briefing notes and specific briefing notes to the Minister, QP card information, and information released under previous requests.

Other information sought pertained to the costs of Royal visits, departmental staffing activities, and meetings between department officials and various broadcasting organizations.

4.2 Applicant Sources

The majority of Canadian Heritage's client base under the *Access to Information Act* consists of the media (37%) and the public (27.2%). The remaining requests were from businesses (18.3%), other organizations (11.1%), and academia (6.4%).

4.3 Disposition of Completed Requests

Two hundred and fifty-three requests were completed by the end of March 2010. The majority of requests completed resulted in either a full disclosure of information (79 requests) or partial disclosure of information (95 requests). Information was exempted entirely in six requests. Sixty-eight requests were either transferred to other federal institutions, could not be processed, or were abandoned by the applicants. Four requests were treated informally.

4.4 Completion Time and Extensions

The 253 completed requests for 2009-10 were processed in the following timeframes:

- 104 requests completed within 30 days (41%);
- 39 requests completed within 31 to 60 days (15.5%);
- 52 requests completed within 61 to 120 days (20.5%);
- 58 requests completed within 121 or more days (23%).

In 13 cases, the department required a 30-day time extension to allow for document searching or consultation with other federal institutions/third parties. In 82 cases, an extension of over 30 days was required for searching or for consultation, including 35 consultations with third parties.

4.5 Exemptions / Exclusions

In the processing of requests, exemptions to withhold information were invoked 144 times. The exemptions most commonly applied by the department were: section 19(1), (exempting records containing personal information), applied in 69 requests; section 21(1) (information relating to the internal decision-making processes of government) invoked 64 times; and section 20(1), (records containing third-party business information) which was invoked 39 times.

Exclusions were applied a total of 38 times under section 69(1), confidences of the Queen's Privy Council for Canada, and 4 times under section 68(a) (published material).

4.6 Consultations

During the reporting period, the ATIP Secretariat received a total of 115 requests for consultation from other federal institutions. Approximately half of the consultation requests were made by the Department of Foreign Affairs and International Trade (DFAIT) (18 requests), Public Works and Government Services Canada (PWGSC) (11 requests), Industry Canada (12 requests), Téléfilm (11 requests), Privy Council Office (12 requests), and Treasury Board Secretariat (6 requests), with DFAIT submitting the highest percentage of consultation requests (15%).

The remaining consultations were from other government departments and agencies, and provincial or municipal governments (47.8%).

4.7 Fees and Costs

During the reporting period, total fees collected were $4,058.00. Of this amount, $1,095 was for application fees, and $2,963.00 for searching.

The Access to Information and Privacy Secretariat incurred $610,262 in salary costs and $140,121 in administrative costs to administer the *Access to Information Act*. The increase in the salary dollars spent from the previous fiscal year is the result of staffing of vacant positions in the Secretariat.

4.8 Complaints and Investigations

Nineteen complaints were filed with the Office of the Information Commissioner of Canada. This is considerably fewer than last fiscal year's total of 36 complaints received. The reasons for the 19 complaints received are: delayed responses (4), length of extensions (4), missing information (2), refusal to provide information (8), and the failure to provide response in the format requested (1).

Sixteen complaints were closed within the reporting period. Three complaints were discontinued as they were either resolved prior to the investigative process or were abandoned. Ten complaints were not well founded and three complaints were deemed to be well founded by the Office of the Information Commissioner.

4.9 Federal Court Cases

An application, filed with the Federal Court (T-1249-08) by Reader's Digest Magazines Limited, which was made in regard to the decision of Canadian Heritage to disclose particular records containing third party information belonging to Reader's Digest Magazines Limited, is ongoing.

5.0 Education and Training Activities

Briefing Sessions / Websites

To increase the knowledge and understanding of ATIP across the department, training and awareness sessions were delivered to departmental employees, as requested. These sessions provided basic information on the purpose and provisions of the *Access to Information Act*, as well as the roles and responsibilities of departmental employees and the ATIP Secretariat. Information was tailored to meet the needs of branch secretariats (OPIs) and ATIP liaison officers.

Due to the growing demand for information sessions, the ATIP Secretariat delivered 19 awareness sessions on the *Access to Information Act* to departmental employees in the National Capital Region and regional offices. Of particular note was a bilingual session prepared specifically for branch and regional ATIP liaison officers. Over 60 people participated in this event. In total, two hundred and seventy seven employees attended information sessions.

During 2009-2010, the internal website for the Access to Information and Privacy Secretariat was significantly revised to improve content and messaging. The website describes the ATIP Secretariat's roles and responsibilities and provides information on the *Access to Information Act* and related departmental policies and procedures. The site is continuously updated with new tools and information added. In addition, recent annual reports on the administration of the *Access to Information Act* at Canadian Heritage have been made available on the department's Internet site.

6.0 Reporting

The Access to Information and Privacy Secretariat met its reporting obligations for the reporting period, by providing timely input to the Management Accountability Framework (MAF), the Departmental Performance Report (DPR), annual reports, and Info Source. The statistical report on the *Access to Information Act* was provided to the Treasury Board Secretariat.

Internally, update and situation reports were provided to the program areas on a regular basis.

CANADIAN HERITAGE

DELEGATED FINANCIAL SIGNING AUTHORITIES CHART

Position Level	POSITION TITLE	AREA OF AUTHORITY	SPENDING AUTHORITY: Section 32 FAA - Commitment Authority	EXPENDITURE INITIATION: Salaries & Other Personnel Costs	Recognition	Travel	Relocation	Isolated Posts	Training and Development	Hospitality	Conferences	Memberships	Standing Advances	Approval of Grants and Contributions	Refunds of Revenue	Claims by and against the Crown	Ex Gratia Payments	Other Goods and Services	Section 34 FAA Contract Performance: Travel, Relocation and Hospitality Claims	Grants and Contributions	Salaries & Other Personnel Costs	Other Goods and Services	Section 33 FAA Payment Authority	OTHER AUTHORITIES: Grant or Contribution Agreements	Leases and licences (Crown as tenant)	Loan Agreement (Materiel/Artifacts/Objects)	Losses of Money	Approve Debt Write-Off	Request or Acceptance of Set-Offs	Write-Off Materiel	Interest & Admin Charges Waiver	Access to Information and Privacy	TB Submissions & other related Documents
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
1	Deputy Minister/Associate Deputy Minister	Department	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F	F
2	Assistant Deputy Minister/Associate Assistant Deputy Minister/Senior Advisor to the Deputy Minister or equivalent manager reporting to level 1	Assigned Funds Centre(s)/Cost Centre(s)	F	F	F	F	F	F	F	F	F	F		3/50	F	F	F	F	F	F	F	F		F	F	F	F						
3	Regional Executive Director	Region	F	F	F	F	F	F	F	F	F	F		3/50	F	F	F	F	F	F	F	F	F	F	F	F	F		F	F	F		
3	Director General/General Counsel or equivalent manager reporting to level 2	Assigned Funds Centre(s)/Cost Centre(s)	F	F	F	F	F	F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F							
3	Chief Operating Officer for CHIN and CCI	Agency	F	F	F	F	F	F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F							
4	Director/Manager or equivalent manager reporting to level 3	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F	F	F	F			F	F	F	F	F	F	F	F		F	F	F							
5	Chief/Head or equivalent manager reporting to level 4	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F						F			F	F	F	F	F		F	F	F							
6	Supervisor/Senior Officer or equivalent manager reporting to level 5	Assigned Funds Centre(s)/Cost Centre(s)	F	F		F		F	F									F	F	F	F	F											
7	Administrative Officer/Executive Assistant or equivalent position reporting to any level	Assigned Funds Centre(s)/Cost Centre(s)	F															10				10											
	SPECIAL AUTHORITIES																																
	Chief Financial Officer (CFO)	Department	F										F		F	F	F	F	F	F	F	F						F	F	F	F		
	Deputy Chief Financial Officer (DCFO)	Department	F										F		F	F	F	F	F	F	F	F						F	F	F	F		
	Director General, Sport Canada	Assigned Funds Centre(s)/Cost Centre(s)	F											F																			
	Director General, Human Resources and Workplace Management (HRWM)	Department	F	F														F			F												
	Corporate Secretary	Department																															
	Director, Centre of Expertise for Grants and Contributions	Department	F																	F												F	
	Director, Accounting Operations, Financial Policies & Systems	Department	F										F		F	F	F	F	F		F	F	F						F		F		
	Director, Labour Relations, Compensation and Benefits (HRWM)	Department	F	F																	F												
	Director, Contracting and Materiel Management	Department																F												F			
	Director, Access to Information and Privacy Secretariat	Department																														F	
	Manager, Compensation and Benefits (HRWM)	Department	F	F																	F												
	Manager, Accounting Operations	Department	F										F		F						F	F	F								F		
	Chief, NCR Client Services	Department																				F											
	Director, Corporate Services or equivalent position	Region	F												F			F	F	F	F	F	F							F	F		
	Financial Officer	Region																					F										

APPROVED BY:

Original signed by Judith A. LaRocque on May 27, 2009

Deputy Minister

APPROVED BY:

Original signed by James Moore on May 28, 2009

Minister

Notes:

1. This Chart must be read in conjunction with the **Notes to the Delegated Financial Signing Authorities Chart** and **Appendix A,** which defines terms/conditions and financial limitations to the Delegated Financial Signing Authorities Chart.
2. The letter "F" means that the position has been delegated full authorities **subject to specific authorities and dollar limitations** as described in **Appendix A** for the corresponding column.
3. Where dollar amounts are specified, e.g., 1 = $1,000, these amounts cannot be exceeded. In addition, a blank cell means that no authority has been granted.

Appendix 1.0

Government of Canada / Gouvernement du Canada

REPORT ON THE ACCESS TO INFORMATION ACT
RAPPORT CONCERNANT LA LOI SUR L'ACCÈS À L'INFORMATON

Institution	Canadian Heritage Patrimoine canadien			Reporting period / Période visée par le rapport 4/1/2009 to/a 3/31/2010	
Source	Media / Médias 87	Academia / Secteur universitaire 15	Business / Secteur commercial 43	Organization / Organisme 26	Public 64

I Requests under the Access to Information Act / Demandes en vertu de la Loi sur l'accès à l'information

Received during reporting period / Reçues pendant la période visée par le rapport	235
Outstanding from previous period / En suspens depuis la période antérieure	155
TOTAL	390
Completed during reporting period / Traitées pendant la période visées par le rapport	253
Carried forward / Reportées	137

II Disposition of requests completed / Disposition à l'égard des demandes traitées

1	All disclosed / Communication totale	79	6	Unable to process / Traitement impossible	37
2	Disclosed in part / Communication partielle	95	7	Abandoned by applicant / Abandon de la demande	23
3	Nothing disclosed (excluded) / Aucune communication (exclusion)	1	8	Treated informally / Traitement non officiel	4
4	Nothing disclosed (exempt) / Aucune communication (exemption)	6		**TOTAL**	253
5	Transferred / Transmission	8			

III Exemptions invoked / Exceptions invoquées

S Art. 13(1)(a)	1	S Art. 16(1)(a)	0	S Art. 18(b)	0	S Art. 21(1)(a)	30
(b)	0	(b)	1	(c)	0	(b)	28
(c)	5	(c)	3	(d)	0	(c)	5
(d)	0	(d)	0	S Art. 19(1)	69	(d)	1
S Art. 14	6	S Art. 16(2)	11	S Art. 20(1)(a)	4	S Art.22	0
S 15(1) Art. International rel. / Relations intern	0	S Art. 16(3)	0	(b)	26	S Art.23	11
Defence / Défense	6	S Art. 17	1	(c)	7	S Art. 24	5
Subversive activities / Activités subversives	0	S Art. 18(a)	0	(d)	2	S Art.26	2

IV Exclusions cited / Exclusions citées

S Art. 68(a)	4	S Art. 69(1)(c)	5
(b)	0	(d)	0
(c)	0	(e)	8
S Art. 69(1)(a)	3	(f)	2
(b)	0	(g)	20

V Completion time / Délai de traitement

30 days or under / 30 jours ou moins	104
31 to 60 days / De 31 à 60 jours	39
61 to 120 days / De 61 à 120 jours	52
121 days or over / 121 jours ou plus	58

VI Extensions / Prorogations des délais

	30 days or under / 30 jours ou moins	31 days or over / 31 jours ou plus
Searching / Recherche	2	5
Consultation	9	42
Third party / Tiers	2	35
TOTAL	13	82

VII Translations / Traduction

Translations requested / Traductions demandées		0
Translations prepared / Traductions préparées	English to French / De l'anglais au français	0
	French to English / Du français à l'anglais	0

VIII Method of access / Méthode de consultation

Copies given / Copies de l'original	178
Examination / Examen de l'original	0
Copies and examination / Copies et examen	0

IX Fees / Frais

Net fees collected / Frais net perçus			
Application fees / Frais de la demande	$1,095.00	Preparation / Préparation	$0.00
Reproduction	$0.00	Computer processing / Traitement informatique	$0.00
Searching / Recherche	$2,963.00	**TOTAL**	$4,058.00

Fees waived / Dispense de frais	No. of times / Nombre de fois	$
$25.00 or under / 25 $ ou moins	10	$ $37.60
Over $25.00 / De plus de 25 $	2	$ $187.80

X Costs / Coûts

Financial (all reasons) / Financiers (raisons)	
Salary / Traitement	$ 610,262.4
Administration (O and M) / Administration (fonctionnement et maintien)	$ 140,121.6
TOTAL	$ 750,384.0

Person year utilization (all reasons) / Années-personnes utilisées (raison)	
Person year (decimal format) / Années-personnes (nombre décimal)	7.60